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OFFICE OF PETITIONS

HOXIE & ASSOCIATES LLC
75 MAIN STREET , SUITE 301
MILLBURN NJ 07041

In re Application of :
Van Eis, et al. : ON APPLICATION FOR
Application No. 10/586,420 : PATENT TERM ADJUSTMENT
Filed: July 19, 2006 :
Atty Docket No. NOV-05-US :

This is in response to the "REQUEST FOR PATENT TERM ADJUSTMENT REDETERMINATION UNDER 37 CFR 1.705," filed September 28, 2009. Applicants request that the determination of patent term adjustment be increased from 281 days to at a minimum 316 days.

The request is **DISMISSED**.

Applicants are advised that § 1.705(b) provides the avenue before the Office for requesting reconsideration of the patent term adjustment indicated in the notice of allowance. See § 1.702-1.705. Moreover, § 1.705(b) provides that:

An application for patent term adjustment under this section must be filed no later than the payment of the issue fee but may not be filed earlier than the date of mailing of the notice of allowance. An application for patent term adjustment under this section must be accompanied by:

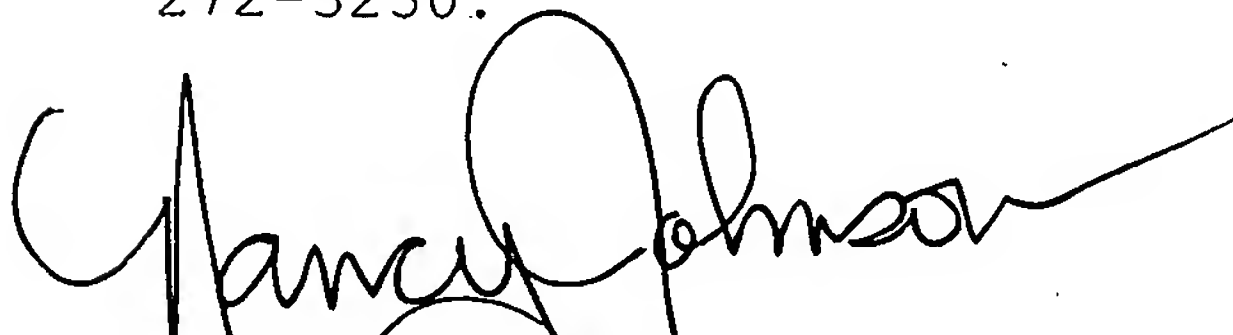
- (1) The fee set forth in § 1.18(e) ...

The instant application for patent term adjustment was filed after the mailing of the notice of allowance and prior to payment of the issue fee. Thus, the application for patent term adjustment was timely filed. However, neither the fee under § 1.18(e) nor a general authorization to charge any required fees, accompanied the application for patent term adjustment. Accordingly, the request is dismissed for failure to comply with the requirement of paragraph (b)(1) to submit the fee under

\$1.18(e). Applicants are not precluded from promptly paying the required fee for consideration of this application for patent term adjustment. Applicants should call the undersigned upon submission of such fee.

The issue and publication fees were paid on December 15, 2009. Therefore, the Office of Data Management will be advised of this decision and directed to go forward with processing of this application into a patent.

Telephone inquiries specific to this matter should be directed to Shirene Willis Brantley, Senior Petitions Attorney, at (571) 272-3230.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions